

REMARKS

No claims are being amended, canceled or added. Thus, a listing of the claims is not needed.

Claims 1 and 28-47 are pending in the present application.

Election/Restriction

The Examiner has required election in the present application between Group I (claims 1 and 28-37) and Group II (claims 38-47) as stated in the Office Action at page 2.

Applicants elect Group II, product claims 38-47, with traverse. In making the restriction requirement, the Examiner cites MPEP § 806.05(f) and states that the claimed roughness can be made by processes other than using an aqueous solution of hydrofluoric acid, such as being machined, stamped or impinged. However, there is no indication that any other process could equate to the features of the instant claims (e.g., the claimed microroughness having certain pore diameter and depth). Further, Applicants are requesting consideration of the claimed use of an aqueous solution of hydrofluoric acid, and not another process that includes, e.g., impinging.

In any event, Applicants request rejoinder of the process claims pursuant to *In re Ochiai*, 37 USPQ2d 1127 (Fed. Cir. 1995). Once the product is allowable, any use thereof is also allowable.

Conclusion

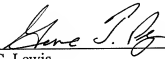
An early and favorable action on the merits is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: January 29, 2009

Respectfully submitted,

By  #48,501
x Paul C. Lewis
Registration No.: 43,368
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant